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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,331	04/14/2004	Olivier J. A. Schueller	H0498.70168US01	5408
86110 7590 04/01/2010 Harvard University & Medical School c/o Wolf, Greenfield & Sacks, P.C. 600 Atlantic Avenue Boston, MA 02210-2206			EXAMINER SIMONE, CATHERINE A	
			ART UNIT 1783	PAPER NUMBER
			MAIL DATE 04/01/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/824,331

Applicant(s)

SCHUELLER ET AL.

Examiner

CATHERINE SIMONE

Art Unit

1794

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 52, 54-56 and 64-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 52, 54-56 and 64-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

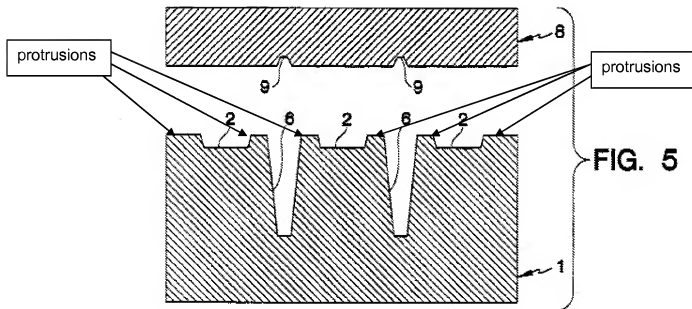
2. Claims 52 and 54-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohman (US 5,443,890).

Regarding claim 52, Ohman teaches an article comprising a first component (Figs. 5 and 9, bottom plate 1), which is made of plastic (polymer) material (col. 4, line 18), having a surface defining a plurality of protrusions (see Fig. 5 shown below) and a plurality of intervening indentations (Fig. 5, elements 2 and Fig. 9, elements 10), wherein the portions of the surface defining the indentations is deemed to be of material essentially identical to that of portions of the surface defining the protrusions, since the first component (bottom plate 1), which includes both the protrusions and indentations, is made of a single material (col. 4, lines 13-18), with the protrusions bonded to a surface of a second component (Fig. 9, top plate 7) in the absence of auxiliary adhesive thereby defining a liquid-impermeable seal therebetween (col. 2, lines 18-23), wherein the liquid-impermeable seal is deemed to comprise siloxane bonds, since it comprises silicone rubber (col. 4, lines 7-12), and wherein the plurality of intervening indentations (Fig. 9, elements 10) are not bonded to the surface of the second component.

Regarding claim 54, note first portions of the surface of the polymeric component (Fig. 9, #1) are bonded to the surface of the second component (Fig. 9, #7) while a second portion of the surface of the polymeric component, intervening the first portions of the surface of the polymeric component, is free of contact with the surface of the second component (Fig. 9, #10).

Regarding claim 55, note first portions of the surface of the second component (Fig. 9, #7) are bonded to the surface of the polymeric component (Fig. 9, #1) while a second portion of the surface of the second component, intervening the first portions of the surface of the second component, is free of contact with the surface of the polymeric component (Fig. 9, #10).

Regarding claim 56, note the surface of the second component can be metal (col. 9, line 14).



3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 52, 54, 55 and 64-69 are rejected under 35 U.S.C. 102(e) as being anticipated by Parce et al. (US 5,885,470).

Regarding claim 52, Parce et al. discloses an article comprising a polymeric component (substrate) having a surface defining a plurality of protrusions (area between grooves) and a plurality of intervening indentations (grooves) (col. 6, lines 1-8), portions of the surface defining the indentations being of a material essentially identical to that of portions of the surface defining the protrusions (col. 5, lines 63-67 and claim 22), with the protrusions bonded to a surface of a second component (planar substrate) in the absence of auxiliary adhesive thereby defining a liquid-impermeable seal therebetween (col. 6, lines 8-12 and lines 18-35), wherein the liquid-impermeable seal comprises siloxane bonds (col. 9, lines 15-27) and wherein the plurality of intervening indentations (grooves) are not bonded to the surface of the second component (planar substrate) (col. 6, lines 8-12 and col. 9, lines 59-63).

Regarding claim 54, note first portions of the surface of the polymeric component (areas between grooves in first substrate) are bonded to the surface of the second component (second planar substrate) while a second portion of the surface of the polymeric component (grooves in first substrate), intervening the first portions of the surface of the polymeric component, is free of contact with the surface of the second component (col. 6, lines 8-12).

Regarding claim 55, note first portions of the surface of the second component (second planar substrate) are bonded to the surface of the polymeric component (areas between grooves in first substrate) while a second portion of the surface of the second component (second planar substrate), intervening the first portions of the surface of the second component, is free of contact with the surface of the polymeric component (grooves in first substrate) (col. 6, lines 8-12).

Regarding claim 64 and 65, the polymeric component and the second component are transparent or semi-transparent (col. 5, lines 52-54).

Regarding claim 66, the polymeric component comprises at least one of a silicone polymer and an acrylate polymer (col. 5, lines 63-67).

Regarding claim 67, the second component comprises a polymer (col. 6, lines 1-2).

Regarding claim 68, note at least one of the polymeric component and the second component is elastomeric (col. 5, lines 63-67).

Regarding claim 69, the intervening indentations form a plurality of isolated, essentially parallel, elongate channels (col. 6, lines 3-12 and col. 11, lines 51-55).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CATHERINE SIMONE whose telephone number is (571)272-1501. The examiner can normally be reached on Monday-Friday 9:30-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David R. Sample/
Supervisory Patent Examiner, Art Unit 1794

/CAS/
Catherine A. Simone
Examiner, Art Unit 1794
March 24, 2010